



Docket No. 246152002603

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on November 4, 2002

*Marian Christopher*  
Marian Christopher

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Robert VAN GORCOM et al.

Serial No.: 10/079,709

Filing Date: February 19, 2002

For: CLONING AND EXPRESSION OF  
MICROBIAL PHYTASE

Examiner: To be assigned

Group Art Unit: 1652

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Box Sequence  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice to File Corrected Application Papers mailed April 08, 2002, for which a response was due on June 08, 2002. A request for five-month extension of time is submitted herewith, extending the time for response from June 8, 2002, to November 8, 2002. Accordingly, this response is timely filed.

Filed herewith are the following:

Substitute specification consisting of 62 pages;

Substitute drawings, consisting of 34 pages;

Paper copy of Sequence Listing, consisting of 28 pages; and

Copy of Notice to File Corrected Application Papers.

Please enter the following remarks.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/079,709	02/19/2002	Robert Van Gorcom	246152002603

25225  
MORRISON & FOERSTER LLP  
3811 VALLEY CENTRE DRIVE  
SUITE 500  
SAN DIEGO, CA 92130-2332

CONFIRMATION NO. 9896  
FORMALITIES LETTER



\*OC000000007822562\*

Date Mailed: 04/08/2002

### NOTICE TO FILE CORRECTED APPLICATION PAPERS

#### *Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - The specification cannot be scanned or properly stored. Page(s)
    - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 1-62 are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because:*  
*Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also

provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

---

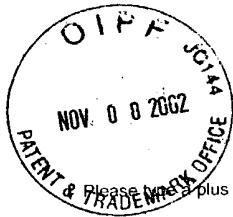
*A copy of this notice **MUST** be returned with the reply.*

*M. Marshall*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Gen  
\$800

Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number	10/079,709
Filing Date	February 19, 2002
First Named Inventor	Robert VAN GORCOM
Group Art Unit	1652
Examiner Name	To be Assigned
Attorney Docket No.	246152002603

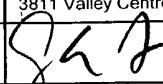
### ENCLOSURES (check all that apply)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (1 page + dup.)                             | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Reply to Notice to File Corrected Application Papers (126 pages) | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations   | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter   |
| <input checked="" type="checkbox"/> Extension of Time Request (1 page)                               | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Terminal Disclaimer   | 1. Copy of Notice to File Corrected Application Papers (2 pages);                          |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Request for Refund  | 2. Return Receipt Postcard.  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                      | <input type="checkbox"/> CD, Number of CD(s) _____   |  |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application                        |  |  |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53                      |  |  |

Remarks

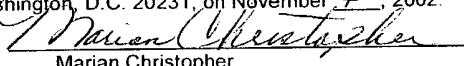
CUSTOMER NO. 25225

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Carolyn A. Favorito, Reg. No. 39,183 MORRISON & FOERSTER LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130-2332
Signature	
Date	November 1, 2002

### CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 4, 2002.

  
Marian Christopher

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

|sd-117490||